

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 175**

Introduced by Lathrop, 12.

Read first time January 12, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-395 and  
2 60-3,157, Revised Statutes Cumulative Supplement, 2008;  
3 to change provisions relating to lost license plates; and  
4 to repeal the original sections.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-395, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           60-395 (1) Except as otherwise provided in subsection  
4 (2) of this section and sections 60-3,121, 60-3,122.02, and  
5 60-3,128, the registration shall expire and the registered owner or  
6 lessee may, by returning the registration certificate, the license  
7 plates, and, when appropriate, the validation decals and by either  
8 making application on a form prescribed by the department to the  
9 county treasurer or designated county official of the occurrence  
10 of an event described in subdivisions (a) through (e) of this  
11 subsection or, in the case of a change in situs, displaying to  
12 the county treasurer or designated county official the registration  
13 certificate of such other state as evidence of a change in situs,  
14 receive a refund of that part of the unused fees and taxes on  
15 motor vehicles or trailers based on the number of unexpired months  
16 remaining in the registration period from the date of any of the  
17 following events:

18           (a) Upon transfer of ownership of any motor vehicle or  
19 trailer;

20           (b) In case of loss of possession because of fire, theft,  
21 dismantlement, or junking;

22           (c) When a salvage branded certificate of title is  
23 issued;

24           (d) Whenever a type or class of motor vehicle or trailer  
25 previously registered is subsequently declared by legislative act

1 or court decision to be illegal or ineligible to be operated or  
2 towed on the public roads and no longer subject to registration  
3 fees, the motor vehicle tax imposed in section 60-3,185, and the  
4 motor vehicle fee imposed in section 60-3,190;

5 (e) Upon a trade-in or surrender of a motor vehicle under  
6 a lease; or

7 (f) In case of a change in the situs of a motor vehicle  
8 or trailer to a location outside of this state.

9 (2) If the date of the event falls within the same  
10 calendar month in which the motor vehicle or trailer is acquired,  
11 no refund shall be allowed for such month.

12 (3) If the transferor or lessee acquires another motor  
13 vehicle at the time of the transfer, trade-in, or surrender, the  
14 transferor or lessee shall have the credit provided for in this  
15 section applied toward payment of the motor vehicle fees and taxes  
16 then owing. Otherwise, the transferor or lessee shall file a claim  
17 for refund with the county treasurer or designated county official  
18 upon an application form prescribed by the department.

19 (4) The registered owner or lessee shall make a claim for  
20 refund or credit of the fees and taxes for the unexpired months  
21 in the registration period within sixty days after the date of the  
22 event or shall be deemed to have forfeited his or her right to such  
23 refund or credit.

24 (5) For purposes of this section, the date of the event  
25 shall be: (a) In the case of a transfer or loss, the date of

1 the transfer or loss; (b) in the case of a change in the situs,  
2 the date of registration in another state; (c) in the case of  
3 a trade-in or surrender under a lease, the date of trade-in or  
4 surrender; (d) in the case of a legislative act, the effective date  
5 of the act; and (e) in the case of a court decision, the date the  
6 decision is rendered.

7 (6) Application for registration or for reassignment of  
8 license plates and, when appropriate, validation decals to another  
9 motor vehicle or trailer shall be made within thirty days of the  
10 date of purchase.

11 (7) If a motor vehicle or trailer was reported stolen  
12 under section 60-178, a refund under this section shall not be  
13 reduced for a lost plate charge and a credit under this section may  
14 be reduced for a lost plate charge but the applicant shall not be  
15 required to pay the plate fee for new plates.

16 ~~(7)~~ (8) The county treasurer or designated county  
17 official shall refund the motor vehicle fee and registration  
18 fee from the fees which have not been transferred to the State  
19 Treasurer. The county treasurer shall make payment to the claimant  
20 from the undistributed motor vehicle taxes of the taxing unit where  
21 the tax money was originally distributed. No refund of less than  
22 two dollars shall be paid.

23 Sec. 2. Section 60-3,157, Revised Statutes Cumulative  
24 Supplement, 2008, is amended to read:

25 60-3,157 If a license plate or registration certificate

1 is lost or mutilated or has become illegible, the person to whom  
2 such license plate and registration certificate has been issued  
3 shall immediately apply to the county treasurer or designated  
4 county official for a duplicate registration certificate or for new  
5 license plates, accompanying his or her application with a fee of  
6 one dollar for a duplicate registration certificate and a fee of  
7 two dollars and fifty cents for a duplicate or replacement license  
8 plate. No fee shall be required under this section if the vehicle  
9 or trailer was reported stolen under section 60-178.

10           Sec. 3. Original sections 60-395 and 60-3,157, Revised  
11 Statutes Cumulative Supplement, 2008, are repealed.